

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.101

CRM No. M-42152 of 2016

DECIDED ON: December 05, 2016

SUNNY DHAMI

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Anhul Singh, Advocate for
Ms. Gunjan Mehta, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of the instant petition preferred under Section 438 Cr.P.C. petitioner has sought pre-arrest bail feeling apprehension of his arrest in case FIR No.89, dated 07.05.2015, under Sections 406 & 420 IPC, registered at Police Station Division No.6, Industrial Area, Ludhiana.

Notice of motion.

At the asking of the Court, Mr. RPS Sidhu, AAG, Punjab accepts notice on behalf of the respondent-State of Punjab. Copy of the petition be supplied to learned State counsel during the course of day.

Undoubtedly, the petitioner was earlier granted the concession of regular bail and had been appearing regularly before the trial court. But on 08.09.2016, he could not appear in the trial court. He moved an application seeking exemption from his personal appearance, but that application was declined by the trial court. As a result thereof, his bail order was cancelled and bail bonds were forfeited to the State and he was

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ordered to be summoned through non-bailable warrants. He approached the Sessions Judge, Ludhiana, but that application was declined which necessitating the filing of the instant petition.

No doubt, the conduct of the petitioner shows that time and again applications seeking exemption from his personal appearance are being moved, which has constrained the trial court to take a harsh step of declining his request for exemption from his personal appearance and issuance of non-bailable warrants. But taking into consideration the entire aspects and scenario as well as undertaking given by learned counsel for the petitioner, he is granted one opportunity.

Instant application is disposed of with the direction to petitioner to appear/surrender before the trial court, whereafter he shall be released on bail by the trial court/Duty Magistrate at its satisfaction.

December 05, 2016
Avin/Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No